



# UNITED STATES PATENT AND TRADEMARK OFFICE

*fur*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,230	03/27/2001	Taber B. Noble	PD-200288	2218

20991 7590 04/22/2005

THE DIRECTV GROUP INC  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
P O BOX 956  
EL SEGUNDO, CA 90245-0956

EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,230

Applicant(s)

NOBLE, TABER B.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/16/03, 8/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11-16, 23-24, 27-33, 35-40, 46-47, 56-61, 68-69, 71-77, 80-85 and 88 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,268,849 to Boyer.

Regarding claim 1, Boyer discloses a method of providing media program information, comprising the steps of:

accepting a command to provide a menu guide selected from a plurality of menu guides (figure 2, web page 200, with guides for different zip codes, time zones and providers, column 7, line 54-column 8, line 31, a user selects a guide after which a guide shown in figure 8 is displayed which enables a user to view by time) together defining a media program information space segmented by a daypart (figure 9, time of day information 630),

wherein the menu guide is associated with a first daypart (figure 9, afternoon, the Knicks game is in progress as shown in program info box 636 and indicated 650) ; and

providing the menu guide, the menu guide comprising a menu guide content (TV listings)portion presenting at least some of the media program information (program info 636).

Regarding claims 2 and 47, Boyer discloses in figure 9, program info 636, which describes a media program, scheduled to be available on an active channel during the first daypart (column 9, line 57-column 10, line 10).

Regarding claims 11-13 and 56-58, Boyer discloses in figure 9, that a plurality of program information which is available on a channel for a daypart may be displayed (listings from 1:30pm-3pm), a user presses a button 630 to view listings by time of day (column 9, lines 32-45).

Regarding claims 14 and 59, Boyer discloses that a user may scroll via icons 622, 624 for time, and via scrollbar 620 for channels (column 9, lines 29-31).

Regarding claims 15 and 60, Boyer discloses that a user may select a program, and additional information is displayed regarding that program (column 9, line 55-column 10, line 24).

Regarding claims 16 and 61, Boyer discloses in figures 7 and 9, advertising portion that displays an advertisement for Combat (figure 7) and Gillette (figure 9).

Regarding claims 23-24 and 68-69, Boyer discloses that a user may navigate a program guide by selecting how they wish to view the guide in figure 8 (column 8, lines 50-56), a user may then scroll through the available programming (column 9, lines 29-31) a user may select a program and program information is displayed(column 9, lines 55-63).

Regarding claims 26 and 71, Boyer discloses that a user may select a program for recording (column 5, lines 50-57).

Regarding claims 27-28 and 72-73, Boyer discloses that the daypart may be the current time or a selected time (column 8, line 67-column 9, line 4, 32-37).

Regarding claims 29 and 74, Boyer discloses that a user may use a cursor 622/624 to navigate to earlier or later time periods, thus enabling a user to scroll through parts of the day, and use a cursor 626/628 to navigate through the program listings (column 9, lines 29-32).

Regarding claims 30, 43, 75 and 88, Boyer discloses:

Accepting a selection of a selection of a second daypart from the media program information space (column 9, lines 29-36), and

Art Unit: 2611

Providing a second menu guide (column 9, lines 33-45), the second menu guide comprising the menu guide content portion presenting at least some of the media program information describing at least one media program scheduled to be available on an active channel during the second daypart (a user clicks on the morning button and morning program listings for the channels are displayed, column 9, lines 33-36).

Regarding claims 31 and 76, Boyer discloses that a user may select a day to navigate to in section 632 (column 9, lines 37-46).

Regarding claims 32 and 77, Boyer discloses that a user may select a program, and additional information is displayed regarding that program (column 9, line 55-column 10, line 24).

Regarding claims 35 and 80, Boyer discloses that a user may designate a second channel as the active channel, and program information corresponding to the new channel is then displayed (column 10, lines 40-65, figures 11-12).

Regarding claims 36 and 81, Boyer discloses accepting a command to activate the channel portion of the menu guide (column 10, lines 40-45), and

Accepting a command to designate one of the selectable channels the active channel (column 10, lines 46-53)

Regarding claims 37-38 and 82-83, Boyer discloses that a user may view the channels by numerical order (figure 9), or by category (column 7, lines 63-65), the channels may be re-organized by pressing a button 634 (column 9, lines 47-54).

Regarding claims 39-40 and 84-85, Boyer shows in figure 13, a category selection menu which enables a user to select a movie or news category (column 10, line 65-column 11, line 12), the listings are then listed for the corresponding category in channel number order and by the current time (day part).

Regarding claim 46, Boyer discloses an apparatus for providing media program information describing media programs, comprising:

- a receiver, having a tuner for receiving the media program and the media program information (PCTV with tuner column 5, lines 32-38, 52-58),

- a processor, communicatively coupled to the tuner, for providing a menu guide having a menu guide content portion presenting at least some of the media program information (the device is a PCTV running a web browser, column 5, line 58-column 6, line 10, a processor is inherently required in order to issue a tuning command to the tuner and to process the web browser);

- wherein the menu guide is selectable from a plurality of menu guides together defining a media program information space (figure 2, web page 200, with guides for different zip codes, time zones and providers, column 7, line 54-column 8, line 31, a user selects a guide after which a guide shown in figure 8 is displayed which enables a

user to view by time) segmented by a daypart (figure 9, time of day 630) via a command from an input device communicatively coupleable with the receiver (user makes selections via a mouse or trackball, column 6, lines 26-29).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-34, 41-43, 78-79 and 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer.

Regarding claims 33-34 and 78-79, Boyer discloses in figure 9, a menu section on the left hand portion of the screen, with an icon section 634, which enables the user to navigate to different guides, the guide may be a browser window implemented by an Internet Explorer or Netscape browser (column 6, lines 1-10).

Boyer does not does not disclose the use of an icon which indicates when the menu has been activated.

The examiner takes official notice that the use of an icon indicating that a menu navigation has been activated is notoriously well known in the art. For example, when a user clicks on a link in an Internet Explorer window, the Internet Explorer icon in the top



Art Unit: 2611

right corner displays an animation while the data is loading, thus indicating to a user that a data transfer is active.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to display a status icon indicating a transfer of data, so that a user would know when a data transfer is occurring.

Regarding claims 41-42 and 86-87, Boyer shows in figure 13, a category selection menu which enables a user to select a movie or news category (column 10, line 65-column 11, line 12), the listings are then listed for the corresponding category in channel number order and by the current time (day part).

Boyer does not disclose the enabling a user to select from a plurality of subcategories.

The examiner takes official notice that the use of selectable subcategories is notoriously well known in the art. Sub categories enable a more refined search, thus enabling a user to easily find a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize a number of selectable subcategories to enable a more refined search, thus enabling a user to easily find a program of interest.

3. Claims 3-10, 17-22, 25, 48-55, 62-67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer in view of U.S. Patent 6,177,931 to Alexander.

Regarding claims 3 and 48, Boyer discloses in figure 9, program info 636 which describes a media program scheduled to be available on an active channel during the first daypart.

Boyer does not disclose a channel portion indicating an active channel, however Boyer discloses that the device may be a PCTV and that a user may use the guide to tune to a channel (column 5, lines 34-58).

Alexander discloses in figure 1 that a cursor 36 can be used to select and highlight an active channel, a border is then placed around the active channel (column 3, lines 21-36), thus making it easy to navigate through the guide by knowing where the cursor is.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the cursor of Alexander to recognize an active channel, thus making it easy to navigate through the guide by knowing where the cursor is.

Regarding claims 4 and 49, Boyer discloses that selectable channels are indicated (column 5, lines 34-58).

Regarding claims 5 and 50, Boyer discloses in figure 9, that the channels are organize in numerical order.

Regarding claims 6 and 51, Boyer discloses in figure 9, a menu guide for the current time, the menu guide content portion is synchronized with the channel portion so that the menu guide portion presents media program information regarding at least one media program available during the first daypart on the active channel (column 9, lines 29-31, the user may scroll in time, that is change dayparts, and the displayed channels stay the same, while the media program information shifts).

Regarding claims 7 and 52, Boyer discloses that the device may be a PCTV and that a user may use the guide to tune to a channel (column 5, lines 34-58) As a user tunes to a channel via the guide, programming information must be made available to the user, as programming information is displayed in window 636 when a user clicks on a channel (column 9, lines 55-63, column 10, lines 11-24, 52-57).

Regarding claims 8 and 53, Boyer discloses in figure 9, a program guide.

Boyer does not disclose a picture in guide portion.

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus enabling a user to follow a current program while making their next viewing choice.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the picture in guide feature of Alexander, thus enabling a user to follow a current program while making their next viewing choice.

Regarding claims 9 and 54, Boyer discloses in figure 9, a program guide.

Boyer does not disclose a picture in guide portion which reflects content on the active channel.

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus aiding a user in selecting a program to view.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the picture in guide feature of Alexander, thus aiding a user in selecting a program.

Regarding claims 10 and 55, Boyer discloses in figure 9, a program guide.

Boyer does not disclose a picture in guide portion which presents media information regarding the current program on the active channel.

Alexander discloses in figure 1, a picture in guide window 12, which displays the last channel viewed by the user, or the currently highlighted channel (column 3, line 56-column 4, line 27), thus aiding a user in selecting a program to view.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the picture in guide feature of Alexander, thus aiding a user in selecting a program.

Regarding claims 17 and 62, Boyer discloses ads in figures 7 and 9.

Boyer does not disclose if the advertising content is determined by a provider of the media program on the active channel.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines 27), panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), and a virtual parent ad 52, which is contextually linked to the channel displayed above it (column 22, lines 34-47, column 23, lines 12-19), thus providing many opportunities to view and advertisement.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to display advertisements as taught by Alexander, thus providing a viewer with many opportunities to view an advertisement.

The combination of Boyer and Alexander fails to disclose a media programming provider determining the advertising content provided on the active channel.

The examiner takes official notice that a media provider determining advertising content on the active channel is notoriously well known in the art. For example, during the Super Bowl national advertisements for Pepsi are displayed during a commercial break, thus guaranteeing that a large number of viewers would see an advertisement and enable the ability to charge an advertiser more money for airtime for a corresponding larger viewership.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Alexander, to enable a program provider to determine what advertisements to display, thus guaranteeing that a large

number of viewers would see an advertisement and enable the ability to charge an advertiser more money for airtime for a corresponding larger viewership.

Regarding claims 18 and 63, Boyer discloses ads in figures 7 and 9.

Boyer does not disclose if the advertising content is contextually related to the media program on the active channel.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column 3, line 63-column 4, lines 27), advertisements within the EPG may be contextually related to the last program watched or displayed in PIP window 12 (column 34, line 56-column 35, line 12, a user watching a basketball game, gets advertisements for athletic shoes presented by a basketball star), thus providing advertisements which would be of the most interest to the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the targeted advertising of Alexander, thus providing advertisements which would be of the most interest to the user.

Regarding claims 19-20 and 64-65, Boyer discloses ads in figures 7 and 9.

Boyer does not disclose if the advertising content is determined by user preferences or habits

Alexander discloses a number of virtual ad spaces, the contents of which may be determined by user profiling which includes user view habits and preferences (column

29, line 31-column 30, line 37, column 32, lines 24-34), thus delivering more effective advertisements which would be tailored to a user's interests.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize a profile which includes viewer habits and preferences provided targeted advertisements as taught by Alexander, thus delivering more effective advertisements which would be tailored to a user's interests.

Regarding claims 21 and 66, Boyer discloses ads in figures 7 and 9.

Boyer does not disclose if the advertising content is determined by daypart.

Alexander discloses in figure 1, a PIP window 12 that plays video for the last tuned channel, or the currently highlighted channel (column3, line 63-column 4, lines 27), panel advertisements may be displayed in windows 14 and 16 (column 21, lines 39-54), time may be taken into account in order to determine the type of user who is watching and advertisements are presented accordingly, (column 35, lines 13-26, morning content may be aimed at housewives, children in early evenings, men Sunday afternoons), thus providing advertisements which would be of the most interest to the user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the time of day advertising of Alexander, thus providing advertisements which would be of the most interest to the user.

Regarding claims 22 and 67, Boyer discloses ads in figures 7 and 9.

Boyer does not disclose if the advertisements are user selectable and enable a user to initiate contact with a vendor.

Alexander discloses that the advertisements are interactive, a user may select an advertisement and visit a related webpage provided by a vendor (column 18, lines 1-12, column 27, lines 49-48), thus enabling a user to learn more about a product or service.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to enable a user to select an ad to connect to a vendor website as taught by Alexander, thus enabling a user to learn more about the advertised product or service.

Regarding claims 25 and 70, Boyer discloses that a user may click on a channel to learn more about the programming.

Boyer does not disclose the use of a home channel or program.

Alexander discloses in figure 1, a home channel (Prime time live program which is currently selected by cursor 36, the content for this program may be displayed in PIP window 12, (3, lines 63-column 4, line 8), thus enabling a user to easily navigate back to the program they are watching.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the home channel of Alexander, thus making it easy for a user to navigate back to the last program watched.



4. Claims 44-45 and 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,268,849 to Boyer in view of U.S. Patent 6,219,839 to Sampsell.

Regarding claims 44 and 89, Boyer discloses that a user may select more than one channel, after which program information is displayed in box 636 (column 9, lines 55-61).

Boyer fails to disclose enabling a user to select a second channel which provides access to an interactive service.

Sampsell discloses in figure 4, that a user may connect to an interactive ESPN service from within an EPG, the service is displayed as a channel 78 within the program guide and Internet service in figure 5, info service 82 (column 5, lines 20-62, column 6, lines 33-57), thus enabling a user to learn more about a program, and easily access supplemental content.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to list an interactive service as a channel as taught by Sampsell, thus enabling a user to learn more about a program, and easily access supplemental content.

Regarding claims 45 and 90, Boyer discloses that a user may select more than one channel, after which program information is displayed in box 636 (column 9, lines 55-61).

Boyer fails to disclose a channel listing which is a PVR channel which provides access to programs recorded on the PVR and the guide describes at least one media program on the PVR channel.

Sampsell discloses in figure 9, a DVD channel 102 which displays the contents of the program recorded on the DVD, and enables a user to access the programming (pop up window 104, column 7, lines 9-21) , a user may access recorded programming on a recordable DVD or VCR (column 7, lines 22-38), thus enabling a user to easily navigate between recorded programming and live programming to select a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Boyer to utilize the VCR and DVD listings and access features of Sampsell, thus enabling a user to easily navigate between recorded programming and live programming to select a program of interest.

The combination of Boyer and Sampsell fails to disclose utilizing a PVR.

The examiner takes official notice that the use of a PVR is notoriously well known in the art. PVRs provide a high quality recording of a program, and can store many more hours of programming than videotape.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Boyer and Sampsell to utilize a PVR, thus enabling for high quality recording of content, and allow for the storage of more hours of recorded programming.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

**HAI TRAN**  
**PRIMARY EXAMINER**